§ 29.9251

The lots shall be arranged in rows 18 inches apart with the leaves of adjacent lots not touching within the rows. Coverings shall be removed by the applicant in such manner as may be prescribed by the inspector.

FEES AND CHARGES

§ 29.9251 Fees and charges.

Fees and charges for inspection and certification services shall comprise the cost of salaries, travel, per diem, and related expenses to cover the costs of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be \$47.40. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$53.70. The rate of \$64.45 shall be charged for work performed on Sundays and holidays.

 $[56\ FR\ 41922,\ Aug.\ 26,\ 1991,\ as\ amended\ at\ 66\ FR\ 28361,\ May\ 23,\ 2001]$

CERTIFYING PROCEDURES

§29.9261 Procedure to be followed.

In certifications based on permissive inspection of nonquota tobacco produced in a state where any quota tobacco is produced, the inspector shall use the Official Standard Grades for all types of quota tobacco. The inspector shall determine by inspecting each lot in the crop-lot whether the crop-lot can be certified as the nonquota tobacco requested by the applicant. If the inspector determines upon inspection that any individual *lot* in the crop-lot meets the specifications of any grade of any quota tobacco, no certificate will be issued on any tobacco in the crop-lot.

§29.9262 Issuance of certificates.

A "Tobacco Classification Certificate" may be issued upon request of an applicant for nonquota tobacco certified in accordance with §29.9261. The Tobacco Classification Certificate will be supplied by the inspection office.

§ 29.9263 Tobacco classification certificate.

Each tobacco classification certificate shall show:

- (a) The caption "Tobacco Classification Certificate";
- (b) Whether it is an original, first, second, or other copy;
- (c) The number of the certificate;
- (d) The sale bill identification number:
- (e) The location of the tobacco at the time of inspection and certification;
 - (f) The date of certification;
- (g) The class or type of tobacco;
- (h) The number of lots in the croplot;
 - (i) The weight of each lot;
- (j) The signature of the inspector and.
- (k) Such additional information as may be required by the Director.

§29.9264 Forms.

Each certificate issued under this regulation shall:

- (a) Show that it was issued under the Tobacco Inspection Act;
- (b) Be in a form approved for the purpose by the Director, and
- (c) Embody within it, written or printed terms with respect to the particular kind of service, all applicable information required by §29.9263. Each certificate may also contain any information, not inconsistent with the act and the regulations in this subpart, as may be approved or required by the Director. The Director may, in his discretion, specify or limit the period in which a certificate shall be valid.

§ 29.9265 Disposition of certificate.

Distribution of the Tobacco Classification Certificate shall be limited to the provisions of this section. The original certificate and one copy shall be delivered or mailed to the applicant or his agent. One copy and the copy of the ASCS certificate shall be forwarded by the inspector to the Division or office of inspection.

§ 29.9266 Changes or alterations.

No change or alteration shall be made in the weight or other identification of a lot on the Tobacco Classification Certificate after the certification of class or type, and any such change or alteration shall constitute and be construed as a change or alteration in the certificate issued or authorized under the act.

PRECLUSION

§ 29.9281 Preclusion.

The provisions of this subpart shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the act.

Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets

AUTHORITY: Tobacco Inspection Act, 49 Stat. 731 (7 U.S.C. 511 et seq.); Commodity Credit Corporation Charter Act, 62 Stat. 1070, as amended (15 U.S.C. 714 et seq.); sec. 213, Pub. L. 98–180, 97 Stat. 1149 (7 U.S.C. 1421); 49 Stat. 731 (7 U.S.C. 511 et seq.), unless otherwise noted.

SOURCE: 39 FR 17754, May 20, 1974, unless otherwise noted.

§ 29.9401 Definitions.

As used in this subpart, the following terms shall have the following meanings:

- (a) Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.
- (b) Marketing area means a geographical area within the flue-cured to-bacco production area specified by the Secretary each year on the basis of his determination that significant quantities of tobacco produced in such area are ready for marketing.
- (c) *Resale tobacco* means any tobacco offered for sale, or sold, by someone other than its producer.
- (d) Nonauction-purchased tobacco means tobacco purchased at other than a bona fide auction sale, as defined in 7 CFR 29.1(d), on a designated market, as defined in 7 CFR 29.1(e).
- (e) Nonauction-purchased resale tobacco means tobacco being offered for sale, or sold, at auction by a person who purchased it at other than a bona fide auction sale, as defined in 7 CFR

29.1(d), on a designated market, as defined in 7 CFR 29.1(e).

[39 FR 17754, May 20, 1974, as amended at 40 FR 31592, July 28, 1975]

§29.9402 Policy statement.

The sets of inspectors available to serve the flue-cured marketing areas are currently adequate to provide inspection service as rapidly as tobacco can be purchased, handled and processed by the currently existing facilities of the buyers, and the lack of inspection personnel is not a limiting factor to accelerated marketings or the extension of price support to producers. The sets of buyers assigned to the fluecured markets by the buying industry are adequate to purchase tobacco as rapidly as it can be handled and processed by the buyers' facilities. However, the tobacco ready for marketing during most weeks of the marketing season substantially exceeds the quantities which can be purchased, handled and processed by the currently existing facilities of the buyers. Moreover, the total number of flue-cured markets are substantially greater than the number of sets of buyers assigned by the buying companies or the number of sets of available inspectors. In this situation, about 6 months is required to market a year's crop of flue-cured tobacco and all warehouses cannot be served at the same time by the available sets of inspectors and the sets of buyers assigned by the buying companies. As additional sets of inspectors would not relieve the situation, inspection service will be provided by assigning the available inspectors to the various marketing areas and to warehouses within the marketing areas in a manner determined by the Secretary to provide the best and most equitable service to all growers.

§ 29.9403 Flue-Cured Tobacco Advisory Committee.

To assist the Secretary in making the apportionment and assignment of inspectors, a Flue-Cured Tobacco Advisory Committee, appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. appendix I), shall advise and recommend to the Secretary marketing area opening dates and selling schedules for both designated and